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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,236	03/22/2000	Richard L. Miller Jr.	SKY-001	8749

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EXAMINER
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CROSLAND, DONNIE L

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 06/20/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/533,236

Applicant(s)

MILLER JR. ET AL.

Examiner

DONNIE L. CROSLAND

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

New corrected drawings are required in this application because figures 2, 6, and 8 contain extraneous matter. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the phrase "said central operation" has no antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Stadler.

Joao shows a vehicle theft deterrent system adapted for cooperation with a security service provider and including a vehicle theft deterrent device which includes a vehicle interface module 11, a two way communication module 3, 3A, 4A, a controller 4 configured to generate a signal in the two way communication device 3, 3A to a security service provider 510 in response to the vehicle interface module detecting 11 one of a

vehicle component activation such as conventional anti theft and theft deterrent systems, col.4, lines 40-61 and col. 35, lines 26-34. and figure 5B.

Joao fails to specify the security system as being activated by the detection of one of dome light and ignition activation.

Stadler shows the method and apparatus for deterring vehicle theft and includes the detection of one of a dome light current through sensor 108 (col. 4, lines 8-13) and an ignition activation detection sensor 108 (col. 3, lines 20-26) through a vehicle interface module 102, and sending a signal from a pager transmitter to a pager service provider which then contacts the owner through the page, col. 5, lines 38-47.

It would have been obvious to one having ordinary skill in the art to activate the alarm controller 4 of Joao in response to the security system being activated by detecting one of a dome light and ignition activation because the specific use of a controller being activated by the detection of a dome light and ignition action is suggested by Stadler.

Patentability is not involved in using conventional detectors of one security system such as Stadler in another security system such as Joao.

Any advantages realized are those naturally expected due to the substituted sensors.

With respect to claim 2, Vehicle disablement is realized in each reference, element 132 in Stadler and fuel pump and ignition in figure 5B of Joao.

With respect to claim 3, Joao provides for the transmission of vehicle monitored data such as vehicle parameters, col. 24, lines 4-15. It is submitted that vehicle velocity

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data is realized as the other vehicle operation and/or system function as suggested by Joao.

It would have been obvious to one having ordinary skill in the art to provide an accelerometer module for velocity measurement in Joao system since such is considered conventional form of velocity measurement as another vehicle system function, see col. 1, lines 39 et seq., and col. 2, lines 1-23 of Joao.

The skilled artisan recognizes that velocity information can be obtained from the transmitted GPS data.

With respect to claim 4, note the position locating device 13 in figure 5B of Joao.

With respect to claims 5, 10, 13 and 14, see pager control in col. 30, lines 23-37 of Joao.

With respect to claims 6, 7, 11, 12, 21, 23, 26, and 27, Joao clearly provides for ignition deactivation in figure 5B. The deactivation of such with respect to vehicle velocity information would not involve patentable invention since the artisan recognizes the conventionality of system deactivation based on vehicle speed. The error margin is clearly within the skilled of the artisan and would be obvious.

With respect to claims 8 and 9, controller for flashing the vehicle lights, col. 22, lines 45-49 of Joao, Again, the activation with respect to vehicle velocity is obvious.

With respect to claim 15, see col. 66, lines 49-51.

With respect to claim 16, such is a conventional security system 11 of Joao, col. 35, and lines 21-35.

With respect to claim 17, the recited airbag falls in the category of equipment 11, col. 24.

In claim 19 the periodic transmission of data would not involve patentable invention since it is within the capabilities of the skilled artisan to either interrogate for data or periodically send the data from the remote to the central.

With respect to claim 20, see col. 22, lines 33-49 of Joao.

With respect to claims 22 and 24, such is clearly taught by Joao.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dimino and Garrett, Sr. et al are cited as showing related vehicle security with remote control functions both locally and remotely.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9052 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
DONNIE L. CROSLAND  
Primary Examiner  
Art Unit 2632

Dlc   
June 16, 2003